

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated June 22, 2005 has been received and its contents carefully reviewed.

Claims 19–27 are pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, the Examiner rejected claims 19-27 under 35 U.S.C. § 103(a) as being unpatentable over Applicant admitted related art (hereinafter “AARA”) in view of U.S. Patent No. 6,057,896 to Rho et al. (hereinafter “Rho”).

The rejection of claims 19-27 as being unpatentable over AARA in view of Rho is respectfully traversed and reconsideration is requested.

Claim 19 is allowable over AARA in view of Rho in that claim 19 recites a combination of elements including, for example, “forming a silicon nitride layer having a first etch rate on the organic protective film; forming a first alignment film on the silicon nitride layer; eliminating the first alignment film with a second etch rate different from the first etch rate of the silicon nitride layer; and forming a second alignment film on the silicon nitride layer.” None of the cited references, singly or in combination, teaches or suggests at least these features of the claimed invention. Specifically, the method of present claim 19 is different from the modified method of AARA in view of Rho in that in claim 19 “a silicon nitride layer having a first etch rate” is formed “on the organic protective film.” Also, claim 19 is different from the modified method of AARA in view of Rho in that claim 19 recites “eliminating the first alignment film with a second etch rate different from the first etch rate of the silicon nitride layer; and forming a second alignment film on the silicon nitride layer.” In contrast, AARA merely discloses a transparent conduction material is formed on the protective film. See paragraph [0011]. This teaches away from forming a “silicon nitride layer” because silicon nitride is an insulating, not a conducting, material. Furthermore, the Examiner states on page 3 of the Office Action that “Applicant admitted prior art shows...forming a second alignment film.” However, there is absolutely no teaching or suggestion in AARA that “a second alignment film” is formed at all, much less “on

the silicon nitride layer.” Finally, AARA does not teach “eliminating the first alignment film with a second etch rate different from the first etch rate of the silicon nitride layer.” AARA merely discloses that the alignment layer 36 and the organic protective layer 18 have similar dry-etching rates. See paragraph [0014].

Applicant respectfully submits Rho fails to cure the deficiencies of AARA. Although Rho discloses depositing a silicon nitride film on an organic layer, there is no teaching or suggestion that the organic layer is “an organic protective film.” Rho teaches that the silicon nitride layer helps prevent leakage current and does not teach the organic layer protects the device in any way. See column 6, lines 50-64. Therefore, Rho does not teach “forming a silicon nitride layer having a first etch rate on the organic protective film,” as alleged by the Examiner on page 4 of the Office Action. Also, present claim 19 recites “eliminating the first alignment film with a second etch rate different from the first etch rate of the silicon nitride layer.” Thus, Rho’s teaching that the silicon nitride film and the organic layer have different etching rates is immaterial as it does not address a “first alignment film.” See column 7, lines 1-5.

Furthermore, Applicant respectfully submits that there is no motivation for one of ordinary skill in the art to combine AARA and Rho and arrive at the claimed invention with any reasonable expectation of success. AARA is drawn to an etching method of reworking an alignment film, while Rho teaches using a silicon nitride film to reduce photo induced leakage current. One of ordinary skill in the art would not be motivated to prevent photo induced leakage when concerned with a method of reworking an alignment film. Therefore, Applicant respectfully submits that AARA and Rho are non-analogous art for purposes of analyzing the obviousness of the subject matter at issue. Applicant further respectfully submits that the motivation to combine the references comes from the present invention, and not from AARA or Rho, which is impermissible. Accordingly, Applicant respectfully submits that claim 19 and claims 20-27, which depend therefrom, are allowable over AARA in view of Rho.

Applicant believes the foregoing arguments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

The undersigned hereby signs this filing under the authority provided by 37 C.F.R. §1.34 pending the filing of a Power of Attorney and Statement under 3.73(b) executed by Assignee.

Dated: October 3, 2005

Respectfully submitted,

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